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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,262	10/11/2000	Abraham S. Farag	04860.P2525X	1362

7590

10/23/2003

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 10/23/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/687,262

Applicant(s)

FARAG ET AL.

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is responsive to Amendment filed on 07/31/2003.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pejic et al. (U.S. Patent No. 5,956,018) in view of Chiang et al. (U.S. Patent No. 6,469,693) and further in view of Rosenberg (U.S. Patent No. 6,088,019).

Regarding claims 1 and 20, referring to Fig. 1D, Pejic teaches a computer mouse comprising a base member having hold regions (30) and the top member having a main surface configured to leave said hold regions (30) substantially exposed (col. 2, lines 19-20 and col. 5, lines 24-27, and lines 31-34).

Pejic differs from claims 1 and 20 in that he does not specifically teach the top member pivotally coupled to the base member and the top member forms a integral housing and button. However, referring to Fig. 4, Rosenberg teaches a top

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member (170) pivotally coupled to a base member (168) (col. 14, lines 1-25) and Chiang teaches top member forms an integral housing and button (see abstract and col. 2, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the top member pivotally coupled to the base member and the top member forms a integral housing and button as taught by Rosenberg and Chiang in the system of Pejic in order to provide more comfortable mouse usage for a variety of users.

Regarding claim 2, the combination of Pejic, Chiang, and Rosenberg teaches the top member does not include a separate button (see abstract and col. 2, lines 12-15 of Chiang).

Regarding claims 3, Pejic further teaches the computer mouse, wherein said hold regions (30) allow said top member to be maintained in a clicked position when the computer mouse is removed from a surface and said hold regions are substantially flush with said main surface of said top member (see figure 1D of Pejic, and lines 1-2 and 10-13 of abstract section).

Regarding claims 4-8, Pejic further teaches the hold regions comprise first and second vertically extending tabs located on opposite sides of the base member and the top member comprises first and second openings shaped to accommodate

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the first and second vertically extending tabs (see abstract, col. 2, lines 19-20 and col. 5, lines 24-43).

4. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pejic et al. (U.S. Patent No. 5,956,018) in view of Chiang et al. (U.S. Patent No. 6,469,693).

Regarding claims 9 and 14, referring to Fig. 1D, Pejic teaches a computer mouse comprising a first and second side ear (30) wherein the first and the second side ears are concurrently graspable to lift the computer mouse (col. 2, lines 19-20 and col. 5, lines 24-43).

Pejic differs from claims 9 and 14 in that he does not specifically teach a button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse. However, Chiang teaches a button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse (see abstract and col. 2, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse as taught by Chiang in the system of Pejic in order to provide a simple construction, thereby making the assembly easier and faster and easier to clean.

Regarding claims 10-13, Pejic further teaches first and second side ears are substantially rigid and first and second side ears are capable of accommodating a user's thumb and one of a user's other (col. 2, lines 19-20 and col. 5, lines 24-43).

Regarding claims 15 and 16, Pejic further teaches the computer mouse wherein said first and second fixed portions and the depressible housing are capable of being held concurrently to lift the computer mouse off a surface (col. 5, lines 31-34 of Pejic).

5. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephens et al. (U.S. Patent No. 6,417,843) teaches mouse with cushions pads.

Davenport (Pub. No.: US 2001/0050673) teaches ergonomic fingertip computer mouse.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

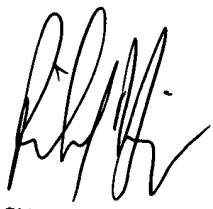
**Or faxed to: 703-872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen  
10/16/2003

  
RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600